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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554
Federal Communications Commission
Office of Secretary

In the Matter of)
)
Advanced Television Systems) MM Docket No. 87-268
and Their Impact upon the)
Existing Television Broadcast Service)

To: The Commission

PETITION FOR RECONSIDERATION

Entravision Holdings, LLC ("Entravision"), by its attorneys and pursuant to Section 1.106 of the Commission's Rules, hereby petitions for reconsideration of the Fifth Report and Order, MM Docket No. 87-268, released April 21, 1997 ("Fifth Order") and the Sixth Report and Order, MM Docket No. 87-268, released April 21, 1997 ("Sixth Order"). In support thereof, Entravision states as follows.

A. LOW-POWER TELEVISION ISSUES

1. Entravision is the licensee of certain Low-Power Television Stations. These include Stations K19BN, San Diego, California, and KGHB-LP, Pueblo and Colorado Springs, Colorado. These Stations are programmed in the Spanish language and provide important sources of news, information, entertainment and public service programming in their markets. The possible displacement of the LPTV service being provided will have a significant impact on the Hispanic community.

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2. Entravision is pleased that the Commission in the Sixth Order has recognized the important service that LPTV stations and television translators play in the provision of programming to the public. This recognition is reflected in a determination by the Commission that while low power stations will remain a secondary service, the transition to DTV should not serve as a predicate for the elimination of the low power television service.

3. Entravision supports the rule changes that the Commission has instituted. The provisions allowing for streamlined processing of changes for displaced LPTV changes and the modifications of the technical rules are all beneficial. However, they do not go far enough.

4. Both of the channels that Entravision's LPTV stations occupy will suffer displacement. In San Diego, the licensee of NTSC Channel 69 (Station KSWB-TV) will receive a DTV allotment on Channel 19, where Station K19BN presently operates. The licensee of NTSC Channel 51 (Station KUSI-TV) will receive a DTV allotment on Channel 18, which is adjacent to where Station K19BN presently operates. In Pueblo, the licensee of NTSC Channel 5 (Station KOAA-TV) will receive a DTV allotment on Channel 27, where Station KGHB-LP presently operates. There is no doubt that the initiation of these DTV services will result in the Entravision

stations providing interference to the DTV stations, thereby requiring displacement. This need not have to be.

5. Entravision submits that the DTV allotment process should be structured so as to avoid displacement of operating LPTV stations. This can be accomplished either by allotting at this time alternative DTV channels to full-power broadcasters in order to avoid displacement or designating new channels for LPTV licensees that face co-channel displacement and permitting immediate relocation under the same expedited processing procedures that DTV operators will be allowed under the modified rules.

6. In this regard, Entravision has reviewed the data produced by the National Association of Broadcasters and the Association for Maximum Service Television, Inc. as they impact on the San Diego and Pueblo television markets. As shown in the attached Engineering Statement, the proposed LPTV displacement solutions can be applied to the Entravision stations.

7. Turning first to San Diego, Entravision submits that the DTV allotment procedures can accommodate Station K19BN as well as Stations KSWB-TV and KUSI-TV. Instead of providing a DTV allotment for Station KSWB-TV on Channel 19 and KUSI-TV on Channel 18, the Commission can, consistent with the rules adopted in the Sixth Order, allot the two Stations to any one of channels 43, 47, 53, 62, 63, 64, or 65. Each of these allotments will

allow the two full-power Stations to broadcast with DTV while permitting Station K19BN to continue its existing Spanish-language programming to the community.

8. As an alternative to the revision of the allotments for Station KSWB-TV and KUSI-TV, the Commission should reserve one of the available channels for Station K19BN. The reserved channel would be available to Entravision for application during a time period that the Commission can determine. Entravision would then be responsible for undertaking the relocation¹ during the term of its construction permit. Entravision is prepared to act as expeditiously as possible, where the licensee of a full-power station is expediting the construction of its DTV facility.

9. The revision of the allotments for the full-power NTSC stations is particularly relevant in San Diego. San Diego is immediately adjacent to the Mexican border and broadcasting is subject to international treaties with Mexico. As the Commission is well aware, it has been a long and difficult process to reach agreement with the Republic of Mexico for LPTV operations.²

¹ Entravision awaits the initiation of a rule making proceeding dealing with compensation in connection with displacement. Obviously, if the Commission relocates an NTSC full-power station to a channel where there is no co-channel or adjacent LPTV station that would cause interference, the need for compensation may well be reduced or even eliminated.

² In the 1995 Report on "International Negotiations and Notifications Concerning Radio Services," the Commission's International Bureau advised (p. 33);

There is currently a backlog of over 300 U.S. LPTV station applications with regard to Mexico. Some have been pending for over ten years in anticipation of a

Entravision is well aware of this, given the length of time it took to secure its own authorizations. Entravision cannot imagine how long it will take for Mexican concurrence in displacement matters. However, it is clear that this will not be the simple process envisioned in the Sixth Report.

10. Further, the increases in power for the LPTV service, also contained in the Sixth Report, will not be possible on the Mexican border. Under the treaty with Mexico, it will not be permissible for LPTV stations to increase power to the 3kw/150kw levels. Thus, the Commission should evidence more concern for existing LPTV broadcasters in the border area with Mexico.

11. The Commission should consider the significant role played by the Station in the San Diego media market. Given its proximity to the border, San Diego is a heavily Hispanic market. For many, Spanish is their principal language and broadcasting their principal means of news, public affairs and entertainment. The Station is the local affiliate of the Univision Network, which itself is the principal source of Spanish language programming throughout the country. As a result of its affiliation with Univision, the Station is considered to be the

new LPTV agreement with Mexico. The current U.S./Mexico LPTV Agreement is far too restrictive to accommodate these applicants. Although these applicants abide by current domestic criteria and do not cause interference to any Mexican stations, they cannot be notified until a new agreement is in place. The Mexican administration, however, has been unwilling to negotiate on this matter. Thus, LPTV service is at a virtual stand-still within the United States/Mexico border zone.

most viewed LPTV station in the country and is a vibrant force in San Diego.

12. The impact of the displacement of the Station would be catastrophic. There is no alternative over-the-air facility for Univision programming. For those viewers, including much of the Hispanic community, that receives its television programming over-the-air, there will be a loss of a major network in the 26th largest television market. As we have shown, there is absolutely no reason for such a result. The Commission must recognize this and ensure that the Hispanic audience is not left out as the Commission presses forward with DTV.

13. The proposals made herein apply even more so in Pueblo. According to the information available to Entravision, there are 40 channel positions that the Commission can allot to Station KOAA-TV, while allowing Station KGHB-LP to remain on its present Channel 27. With such a variety of channels available there is no reason not to place Station KOAA-TV on a channel where there is no impact on any existing LPTV or television translator station.

14. While the allotment of Station KOAA-TV to an available channel is the preferred means for resolving the displacement issue in the Pueblo market, Entravision is also prepared to move to another reserved channel. While it believes that this is an

unnecessary alternative, it is preferable to displacement of the LPTV station.

15. The Sixth Report represents a positive first step in the preservation of the low power television service as one that offers beneficial broadcast programming to those not otherwise generally served by the commercial television industry, including minorities and special interests. However, it fails to recognize that the Commission should take the necessary steps to avoid displacement. To this end, the Commission should review and revise the DTV Table of Allotments so that co-channel or adjacent channel LPTV stations are preserved. If that proves too difficult, then the Commission should immediately reserve to co-channel and adjacent channel displaced LPTV stations the available channel allotments that are not needed for DTV. In such a manner, as Entravision has shown for the San Diego and Pueblo markets, the existing LPTV broadcasters, who do not have the financial resources of their full power colleagues, can

continue their valuable service without disruption or economic injury.

B. FULL-POWER TELEVISION ISSUES

16. Entravision is the licensee of Stations KINC(TV), Las Vegas, Nevada, and KCEC-TV, Denver, Colorado. Entravision is an affiliate of the Univision Network and broadcasts programming in the Spanish language. This is an important service to the Hispanic community in these television markets, where the Entravision stations are the principal source of televised news, weather, public affairs, and entertainment programming in Spanish.

17. Entravision supports the Commission's efforts to institute DTV. However, in reviewing the DTV Table of Allotments, Entravision notes that the Commission has, whether intentionally or not, allotted DTV channels immediately adjacent to existing NTSC channels of the broadcaster. In Entravision's case, NTSC Channel 15 in Las Vegas has been paired with DTV Channel 16. In Denver, NTSC Channel 50 has been paired with DTV Channel 51. Entravision is unsure whether this pairing of an NTSC channel with an adjacent DTV channel was a conscious one or whether it resulted from some quirks in the construction of the computer program prepared to draw the DTV Table. In either event, the adjacent channel issue should be addressed and rectified.

18. Entravision has been advised by engineers who have considered the impact of DTV and NTSC broadcasting, that harmful interference will result if these stations are operating on adjacent channels. While such interference may be minimized by co-location, co-location is not always the answer. At the present time, Entravision is not certain that the existing tower sites it utilizes will have room for additional antennas and whether it can negotiate acceptable leases. As a result, Entravision may have to locate its DTV site elsewhere.

19. In order to avoid the consequences of harmful interference from non-co-located adjacent NTSC/DTV stations, the Commission now has an opportunity to craft a solution. In reviewing the DTV Table of Allotments, the Commission should revise its program to avoid, unless unavoidable, the issuance of a DTV allotment adjacent to an NTSC allotment.³ Such a result will ensure that broadcasters are not forced to undertake co-location when such an arrangement is difficult or costly and there will be no concerns over interference.

20. Entravision has reviewed information made available by the National Association of Broadcasters and the Association for Maximum Service Television, Inc. It was pleased to learn that there are multiple allotment opportunities in its two markets

³ If this is necessary, the NTSC and DTV channels should be allotted only to the same station.

that will permit the Commission to allot to Entravision non-adjacent channels.

21. In Las Vegas, there are a number of channels available. Entravision suggests that the Commission consider either channels 26, 27, 28, or 29 for a revised allotment. A revision in allotments can also be made in Denver. Based on the information available to Entravision, the optimum allotment in Denver is either channel 23 or 38.

22. Entravision awaits the early adoption of rules that serve to initiate DTV operations. However, DTV will be providing service for a considerable period of time. Now is the time for the Commission to make certain that procedures it establishes are appropriate and avoid interference or other problems that could harm the public interest. Therefore, the Commission should make sure that the allotments of stations are the optimum ones and, in doing so, make the changes suggested herein.

Respectfully submitted

ENTRAVISION HOLDINGS, LLC

By: 

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Dated: June 13, 1997

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ENGINEERING STATEMENT
PETITION FOR RECONSIDERATION
MASS MEDIA DOCKET NUMBER 87-268
ENTRAVISION HOLDINGS, LLC
STATION K19BN
SAN DIEGO, CALIFORNIA
CH 19+ 31.3 KW (MAX-DA, BT, H&V) 1764 METERS AMSL

This engineering statement has been prepared on behalf of Entravision Holdings, LLC (hereinafter Entravision), licensee of low power television (LPTV) station K19BN, San Diego, California, in support of its *Petition for Reconsideration of the Fifth Report and Order and the Sixth Report and Order* in Federal Communications Commission (FCC) Mass Media Docket Number 87-268.

K19BN is licensed (FCC File Number BLTTL-951108IB) to operate on channel 19 (500-506 megahertz (MHz)) using plus 10 kilohertz frequency offset, a directional, circularly polarized, transmitting antenna, 31.3 kilowatts maximum peak visual effective radiated power (ERP), and 1,764 meters antenna

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Engineering Statement
K19BN, San Diego, California

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radiation center height above mean sea level.¹ K19BN is a Univision affiliate and provides Spanish language programming.

In the DTV Table of Allotments, Table 1 of Appendix B of the *Sixth Report and Order* in FCC Mass Media Docket Number 87-268 (hereinafter *Sixth Report and Order*), channel 19, the licensed K19BN operating frequency, was allotted for DTV use by licensed UHF station KSWB-TV, San Diego, California.² According to the LPTV Rules included in the *Sixth Report and Order*, the assignment of channel 19 at a location only 68.5 kilometers from the licensed K19BN transmitter site displaces K19BN from its licensed channel.

The *Sixth Report and Order* states that displaced LPTV stations may apply for a suitable replacement channel on a first-come, first-served basis without being subjected to competing applications, and, absent mutually exclusive applications, and negative comments or petitions to deny filed within

¹ The licensed K19BN transmitter site is located at geographic coordinates 33° 18' 32" North Latitude, 116° 50' 38" West Longitude (referenced to 1927 North American Datum).

² Currently, KSWB-TV is licensed (FCC File Number BLCT-841009LB) to operate on UHF channel 69 (800-806 MHz).

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K19BN, San Diego, California

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a 30-day period following public notice of the proposed grant, the displacement application will be granted promptly following the 30-day public notice period. However, it is not this simple for displaced LPTV and translator stations within 320 kilometers of the United States-Mexico border. LPTV and translator stations in the border area must request and receive Mexican concurrence for their proposed facilities before the FCC can issue a grant of the displacement application. Based on its own recent experience with obtaining Mexican concurrence for LPTV and translator station facility modification applications, Entravision knows there is no guarantee of obtaining the Mexican concurrence, and, even if concurrence for a replacement channel operation is achieved, the coordination process may take several years, during which time, KSWB-TV could begin channel 19 DTV operation and K19BN would be forced off the air.

In order to avoid the displacement of K19BN, use was made of the data contained in the table entitled *Alternative DTV Channels for the Continental United States* that was produced by the Association for Maximum Service Television, Inc. and the National Association of Broadcasters. In that table, alternative DTV allotments that may be similar in coverage replication and interference minimization capabilities to a station's DTV allotment specified

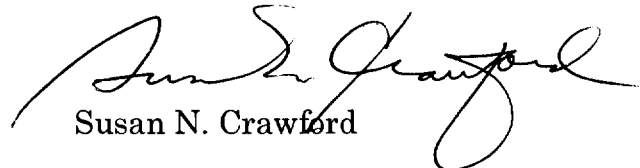
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K19BN, San Diego, California

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in the *Sixth Report and Order*, are identified. For KSWB-TV, the table identifies seven alternative channels: 43, 47, 53, 62, 63, 64, and 65. Noting that two of these alternative channels are within the channels 7 to 51 DTV core spectrum, Entravision respectfully requests that one of these channels be assigned for KSWB-TV use in the DTV Table of Allotments in Section 73.622(b) of the FCC Rules.

In the event that a change in the KSWB-TV DTV allotment is not considered, Entravision respectfully requests that the FCC allot one of the alternative channels specified above for K19BN use. This channel reservation will permit Entravision to begin the process of Mexican concurrence for the assignment in hopes that concurrence can be obtained before K19BN is forced to cease operation by cochannel KSWB-TV DTV operation.



Susan N. Crawford

Subscribed and sworn to before me this 13th day of June, 1997.



Jennifer J. Mateik
Notary Public, District of Columbia
My commission expires June 30, 2001

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WASHINGTON, DC

ENGINEERING STATEMENT
PETITION FOR RECONSIDERATION
MASS MEDIA DOCKET NUMBER 87-268
ENTRAVISION HOLDINGS, LLC
STATION KGHB-LP
PUEBLO AND COLORADO SPRINGS, COLORADO
CH 27 7.71 KW (MAX-DA) 2897 METERS AMSL

This engineering statement has been prepared on behalf of Entravision Holdings, LLC (hereinafter Entravision), licensee of low power television (LPTV) station KGHB-LP (formerly KCEC-LP), Pueblo and Colorado Springs, Colorado, in support of its *Petition for Reconsideration* of the *Fifth Report and Order* and the *Sixth Report and Order* in Federal Communications Commission (FCC) Mass Media Docket Number 87-268.

KGHB-LP is licensed (FCC File Number BLTT-961025JB) to operate on channel 27 (548-554 megahertz (MHz)) using a directional, horizontally polarized transmitting antenna, 7.71 kilowatts maximum peak visual effective radiated power (ERP), and 2,897 meters antenna radiation center height above mean sea level.¹ KGHB-LP is a Univision affiliate and provides Spanish language programming.

¹ The licensed KGBH-LP transmitter site is located at geographic coordinates 38° 44' 43" North Latitude, 104° 51' 41" West Longitude (referenced to 1927 North American Datum).

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KGHB-LP, Pueblo and Colorado Springs, Colorado

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In the DTV Table of Allotments, Table 1 of Appendix B of the *Sixth Report and Order* in FCC Mass Media Docket Number 87-268 (hereinafter *Sixth Report and Order*), channel 27, the licensed KGHB-LP operating frequency, was allotted for DTV use by licensed VHF station KOAA-TV, Pueblo, Colorado.² According to the LPTV rules included in the *Sixth Report and Order*, the assignment of channel 27 at a location only 49.0 kilometers from the licensed KGHB-LP transmitter site displaces KGHB-LP from its licensed channel.

In order to avoid the displacement of KGHB-LP, use was made of the data contained in the table entitled *Alternative DTV Channels for the Continental United States* that was produced by the Association for Maximum Service Television, Inc. and the National Association of Broadcasters. In that table, alternative DTV allotments that may be similar in coverage replication and interference minimization capabilities to a station's DTV allotment specified in the *Sixth Report and Order*, are identified. For KOAA-TV, the table identifies the following 40 alternative channels: 2, 3, 4, 6, 16, 17, 18, 26, 31, 32, 33, 34, 35,

² Currently, KOAA-TV is licensed (FCC File Number BLCT-850314KG) to operate on VHF channel 5 (76-82 MHz).

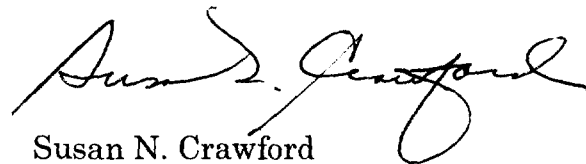
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KGHB-LP, Pueblo and Colorado Springs, Colorado

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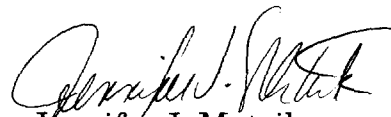
36, 38, 39, 42, 43, 45, 46, 48, 49, 50, 51, 52, 54, 55, 56, 57, 58, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69. Noting that 20 of these alternative channels are within the channels 7 to 51 DTV core spectrum, Entravision respectfully requests that one of these channels be assigned for KOAA-TV use in the DTV Table of Allotments in Section 73.622 of the FCC Rules.

In the event that a change in the KOAA-TV DTV allotment is not considered, Entravision respectfully requests that the FCC allot one of the alternative channels specified above for KGHB-LP use. This channel reservation will permit Entravision to begin its relocation process before KGHB-LP is forced to cease operation by cochannel KOAA-TV DTV operation.



Susan N. Crawford

Subscribed and sworn to before me this 13th day of June, 1997.



Jennifer J. Mateik
Notary Public, District of Columbia
My commission expires June 30, 2001